

REMARKS

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed November 3, 2005. Claims 1-25 are pending in the Application. Claims 1-23 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-4, 6, 8, and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson et al. in view of Applicants' admitted prior art in further view of Simmons et al. (US 6,167,054). Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson et al. in view of Applicants' admitted prior art in further view of Tanenbaum. Claims 9-11 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson et al. in view of Applicants' admitted prior art in further view of Simmons et al. in further view of Tanenbaum. Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson et al. in view of Applicants' admitted prior art in further view of Simmons et al. in further view of Ramakrishnan (US 6,167,029). Claims 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca et al. (US 6,792,455) in view of Applicants' admitted prior art.

In response to the above rejections, Claims 1, 5, 14, and 24 have been amended to further clarify the subject matter which Applicants regard as the invention. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments, reconsideration of the Application is respectfully requested in view of the following remarks.

Rejection of Claims 1-23 Under 35 U.S.C. 112, second paragraph:

Claims 1-23 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, Examiner indicates that the claims must be amended to reflect that steps b, c, and d only occur when the time associated with the central processor's acknowledgment has elapsed, to be consistent with amendments made previously.

In response to this rejection, independent Claims 1, 5, and 14 have been amended as Examiner requires.

Therefore, Applicants submit that the rejection of Claims 1-23 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention has now been overcome and respectfully request that this rejection be withdrawn.

Rejection of Claims 1-4, 6, 8, and 12 Under 35 U.S.C. 103(a) - Stevenson et al. and Simmons et al.:

Claims 1-4, 6, 8, and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson et al. in view of Applicants' admitted prior art in further view of Simmons et al. (US 6,167,054).

In response to this rejection, independent Claim 1 has been amended to recite: sending a predetermined number of packets from the card to a central process, wherein each packet includes at least a portion of the statistical data, ***and wherein the predetermined number of packets is determined via a negotiation between the card and the central process upon a registration of the card with the central process.*** This

negotiation upon registration related to packet group size is not taught or suggested by Stevenson et al., Simmons et al., or any other reference cited by Examiner.

Therefore, Applicants submit that the rejection of Claims 1-4, 6, 8, and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson et al. in view of Applicants' admitted prior art in further view of Simmons et al. has now been overcome and respectfully request that this rejection be withdrawn.

Rejection of Claim 5 Under 35 U.S.C. 103(a) - Stevenson et al. and Tanenbaum:

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson et al. in view of Applicants' admitted prior art in further view of Tanenbaum.

In response to this rejection, independent Claim 5 has been amended to recite: sending a predetermined number of packets from the card to a central process, wherein each packet includes at least a portion of the statistical data, ***and wherein the predetermined number of packets is determined via a negotiation between the card and the central process upon a registration of the card with the central process.*** This negotiation upon registration related to packet group size is not taught or suggested by Stevenson et al., Tanenbaum, or any other reference cited by Examiner.

Therefore, Applicants submit that the rejection of Claim 5 under 35 U.S.C. 103(a) as being unpatentable over Stevenson et al. in view of Applicants' admitted prior art in further view of Tanenbaum has now been overcome and respectfully request that this rejection be withdrawn.

Rejection of Claims 9-11 and 13 Under 35 U.S.C. 103(a) - Stevenson et al., Simmons et al., and Tanenbaum.:

Claims 9-11 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson et al. in view of Applicants' admitted prior art in further view of Simmons et al. in further view of Tanenbaum.

The above arguments with respect to independent Claim 1 apply with equal force here.

Rejection of Claim 7 Under 35 U.S.C. 103(a) - Stevenson et al., Simmons et al., and Ramakrishnan:

Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson et al. in view of Applicants' admitted prior art in further view of Simmons et al. in further view of Ramakrishnan (US 6,167,029).

The above arguments with respect to independent Claim 1 apply with equal force here.

Rejection of Claims 24 and 25 Under 35 U.S.C. 103(a) - DeLuca et al.:

Claims 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca et al. (US 6,792,455) in view of Applicants' admitted prior art.

In response to this rejection, independent Claim 24 has been amended to recite: sending groups of packets from the card to a central process at staggered times, wherein each group of packets includes one of different types of statistical data wherein the staggered times are determined by a plurality of polling timers, each corresponding to

one of said statistical data types, ***and wherein a size of each of the groups of packets is determined via a negotiation between the card and the central process upon a registration of the card with the central process.*** This negotiation upon registration related to packet group size is not taught or suggested by DeLuca et al. or any other reference cited by Examiner.

Therefore, Applicants submit that the rejection of Claims 24 and 25 under 35 U.S.C. 103(a) as being unpatentable over DeLuca et al. (US 6,792,455) in view of Applicants' admitted prior art has now been overcome and respectfully request that this rejection be withdrawn.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'C L Bernard', is written over a horizontal line.

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